



UNITED STATES MARINE CORPS  
MARINE CORPS BASE  
MARINE CORPS COMBAT DEVELOPMENT COMMAND  
QUANTICO, VIRGINIA 22134-5000

MCBO 5211.1A  
MCB (B 013)  
MCCDC (C 05)  
11 Feb 97

MARINE CORPS BASE ORDER 5211.1A

From: Commanding General  
To: Distribution List

Subj: PRIVACY ACT OF 1974

Ref: (a) MCO P5211.2A (NOTAL)  
(b) MCO P5720.56A

Encl: (1) NAVMC Form 11000, Privacy Act Statement for Marine  
Corps Personnel and Pay Records  
(2) Checklist for Privacy Act Implementation

Report Required: Privacy Act Report (Report Control Symbol  
DD5211-01), par. 15

1. Purpose. To implement reference (a).
2. Cancellation. MCBO 5211.1.
3. Summary of Revision. This revision contains a substantial number of changes and should be reviewed in its entirety.
4. Information. Reference (a) provides background and rules governing the Privacy Act of 1974. Reference (b) outlines availability to the public of Marine Corps Records through the Freedom of Information Act (FOIA).
5. Denial Authority. The CG MCB is the denial authority for requests made under the Privacy Act. The Base Adjutant is authorized to sign "By direction" for the denial authority.
6. Privacy Act Coordinator (PAC). The Base Adjutant is appointed as the PAC.
7. Collection of Personal Information

a. Personal information as defined in reference (a), is information about an individual that is intimate or private to the individual, as distinguished from information related solely to the individual's official functions. Personal information includes education, financial transactions, medical history, and criminal or employment history. Personal information which is to be part of a

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record should be collected directly from the individual whenever possible. Information obtained from third parties should be minimal to reduce the possible collection of biased, erroneous, or outdated information. Each activity head that maintains a system of records should consider the relevance of the general categories of information to be collected and maintained.

b. System managers do not have unlimited authority to arbitrarily maintain all information which is deemed useful or convenient. System managers shall check each category of information they maintain or generate to determine if the information is both relevant and necessary. The following factors should be considered in making the determination:

(1) How does each item of information relate to the purpose for which the information is maintained?

(2) If the information is not collected, what specific adverse consequences will occur?

(3) Could information that is not in individually identifiable form be used?

(4) Is this information necessary and relevant to the mission of the Installation?

(5) How long is this information to be retained?

(6) How do the costs of maintaining the record compare to the risks or adverse consequences of not maintaining it?

## 8. Privacy Act Statement

a. Individuals who are asked to supply personal information about themselves for a system of records must be provided a Privacy Act Statement before information is collected. A Privacy Act Statement enables the individual to make an informed decision whether or not to provide the information requested.

b. Normally, there is no requirement that the individual sign to acknowledge the Privacy Act Statement. Any activity may determine that a signature is required if the information collected is highly sensitive. For the purpose of determining whether a Privacy Act Statement is required, refer to the definition of "personal information" as cited in paragraph 7a. Questions posed by the individual should be answered prior to collection of the information. A sample Privacy Act Statement is at enclosure (1).

c. Sponsors of requests for personal information are responsible for determining whether a Privacy Act Statement is required, prepared and made available as an attachment or part of the form. Information determined to be releasable under the FOIA does not require a Privacy Act Statement.

9. Safeguarding Personal Information

a. Reference (a) requires that personal information be secured against any anticipated threats, hazards, or inadvertent disclosures which could result in substantial harm, embarrassment, inconvenience, or unfairness to an individual. Willful disclosure of records, disclosure of which is prohibited by reference (a), could result in individual criminal penalties. Potential criminal penalties include a misdemeanor conviction and a fine of up to \$5,000.

b. Each system manager will establish administrative, technical, and physical safeguards to protect each system of records from unauthorized or unintentional access, disclosure, modification, or destruction. An official shall be designated, for each record system, as having responsibility for safeguarding the information of that system.

c. Records maintained as Automated Data Processing (ADP) files are the property of the system sponsor. The release, addition to, modification, or deletion of ADP files must be authorized in writing by the system sponsors. System sponsors shall notify the Director, Marine Corps Computer and Telecommunications Activity, Quantico, by memorandum, of the official designated to authorize changes of information in their systems. The memorandum shall specify the system, responsible official's name, position, and sample signature.

d. Reasonable care must be taken to ensure that personal information is not subject to unauthorized disclosure during records disposal.

10. Relationship Between the FOIA and the Privacy Act

a. FOIA enables members of the public to obtain available records on the operation and activities of the Executive Branch of the Federal Government. With the exception of the nine exempted categories found in reference (b), information requested under the FOIA is to be made available to the public to the greatest extent possible.

b. The FOIA incorporates the protection afforded by the Privacy Act against the unwarranted invasion of privacy. Any questions concerning the interaction of these two statutes will be referred to the Base Adjutant. Overall management of the FOIA Program is the responsibility of the Base Adjutant.

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11. Establishins or Amending Svstems of Records

a. Reference (a), chapter 9, provides guidance and criteria to be followed for implementing a proposed new or altered system of records.

b. At a minimum, 100 days prior to a planned implementation of a proposed new or altered system of records, the sponsor of the system will forward a system notice as required by reference (a) to the PAC.

12. Concurrence. This Order has been coordinated with and concurred in by the CG MCCDC.

13. Action

a. System Managers

(1) Carry out the provisions of the Privacy Act per reference (a) and this Order.

(2) Carry out the training requirement for all personnel whose normal duties include maintenance of personal information which is part of a record or system of records. Chapter 14 of reference (a) provides a suggested format for providing this training.

(3) Inform all personnel who have authorized access to the system or engaged in the development of procedures for handling records of the requirements of the Privacy Act.

(4) Determine the content and procedures for operating the system.

(5) Ensure that no unpublished system of records on individuals be maintained and that no new or significantly changed system exists without the required prepublication in the Federal Register. Chapter 9 of reference (a) provides guidance for requirements.

(6) Immediately refer all requests for personal data to the PAC. Only the PAC is authorized to release this information under the Privacy Act.

(7) Determine the relevancy and necessity of information during the development of a new system of records or when an amendment to an existing system is proposed.

b. Privacy Act Coordinator

(1) Coordinate and prepare replies to all Privacy Act requests received.

(2) Maintain files associated with the Privacy Act.

(3) Collect and record all fees associated with Privacy Act requests, and immediately deposit fees collected with the Finance Branch, Comptroller Division.

(4) Maintain liaison with other records management officials on matters relating to this Order.

(5) Ensure proper training or orientation of personnel involved with personal record systems.

(6) Compile and submit the annual Privacy Act Report to the CMC (MPI) .

(7) Review internal directives, practices, procedures, and forms for conformity with this Order. Issue necessary supplements to this Order.

(8) At least 90 days prior to implementation of a proposed new or altered system, forward the required system notice to the CG MCB for submission to the CMC (MPI) .

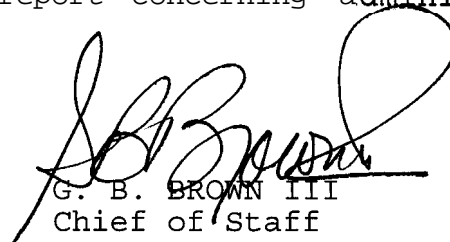
14. Implementation

(1) Enclosure (1) is a sample of the proper form to have signed and on file to cover data requirements for individuals. This covers Privacy Act information needed for the present and in the future.

(2) Enclosure (2) is a sample checklist for testing implementation of the Privacy Act and is based on questions by the Inspector General pertaining to the Privacy Act. Addressees will find this checklist useful in implementing the Privacy Act.

15. Reportins Requirements

a. Chapter 13 of reference (a) contains instructions and proper format for the required annual report concerning administration of the Privacy Act.



G. B. BROWN III  
Chief of Staff

DISTRIBUTION: A plus 11 (10)

## DATA REQUIRED BY THE PRIVACY ACT OF 1974

(5 U.S.C. 552A)

### PART A • GENERAL

The Marine Corps uses a variety of forms in administering matters related to the individual Marine. Forms are necessary for enlistment and reenlistment, evaluating performance, applying for training and assignments, granting leave, disciplinary action, administering pay, and other purposes. In some instances, these forms involve the collection of personal information from the individual Marine. Information such as home address and telephone number, names and other information on dependents, preference for duty, address on leave, and the individual's Social Security Number are illustrative of the information asked for on forms.

The Privacy Act of 1974 requires that you be informed of the authority, purposes, uses, and effects of not providing information when it is requested from you. In order to eliminate the need for issuing an individual statement each time information is requested from you about matters such as those described, this statement serves as a one-time Privacy Act Statement which is intended to satisfy the requirements of the Privacy Act when forms related to your personnel and pay records are used. If you desire more information about a specific form when it is used, your commanding officer will provide such information upon request.

Pursuant to the Computer Matching and Privacy Protection Act of 1988 (P. L. 100-503), information furnished may or will be subject to verification by computer matching (internally or with another specific agency). The match may be necessary to verify accuracy of data, and to uncover waste, fraud, or abuse in Federal programs.

### PART B - INFORMATION TO BE FURNISHED TO INDIVIDUAL

#### 1. AUTHORITY

Title 5, U.S. Code, Section 301, is the basic authority for maintaining personnel and pay records. Use of Social Security Number as a means of personal identification is authorized by Executive Order 9397 of 23 November 1943.

#### 2. PRINCIPAL PURPOSES

The basic purposes of personnel and pay records are to enable officials and employees of the Marine Corps to efficiently manage personnel resources; to administer pay and allowances; to screen and select individuals for promotion; to provide educational and training programs; to administer appeals, grievances, discipline, litigation, investigations, and adjudication of claims; to administer benefits and entitlements; and to manage retirement and veterans affairs programs. Further information about the purposes and uses of information being requested from you can be obtained by consulting the applicable description for systems such as the following:

SYSTEM DESCRIPTION	SYSTEM NUMBER
Marine Corps Military Personnel Records System	MMN 00006
Bond and Allotment System	M FD 00004
Joint Uniform Military Pay System/Manpower Management System	MFD 00003

#### 3. ROUTINE USES

Information included in personnel and pay records is used by officials and employees of the Marine Corps in the execution of their official duties. The information is also used under certain conditions by officials and employees elsewhere in the Department of Defense; by other Federal agencies such as the General Accounting Office; Office of Personnel Management; Veterans Administration; the Federal Bureau of Investigation and other Federal, state and local law enforcement authorities; and the General Services Administration. Information is also furnished to Congressional sources. Your Social Security Number is used as a means of personal identification.

#### 4. MANDATORY OR VOLUNTARY DISCLOSURE AND EFFECT ON INDIVIDUAL OF NOT PROVIDING INFORMATION

Disclosure of information required on forms related to personnel and pay records is mandatory. An individual may, at his or her option, elect not to apply for benefits and services to which entitled (leave registration of allotments, etc.) but once the individual has made the decision to apply for such benefits the disclosure of information on related forms becomes a mandatory action. Failure to provide requested information could have the effect of denying certain benefits and would hamper the efficient management of an individual's career while in the Marine Corps. Disclosure of your Social Security Number is mandatory.

### PART C • STATEMENT OF UNDERSTANDING BY THE INDIVIDUAL

I have read and understand this statement, I understand that I may have the opportunity to review published systems notices and current Marine Corps directives which pertain to forms which I am asked to complete.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of the Individual

\_\_\_\_\_  
Social Security No.,

PRIVACY ACT STATEMENT FOR MARINE CORPS PERSONNEL AND PAY RECORDS

(5211)

NAVMC 11000 (REV. 5-90) SN: 0000-00-006-6542 U/I: PAD (50 sheets per pad)

(File Original in OQR or SRB; Provide Copy to Individual)

ENCLOSURE (1)

CHECKLIST FOR PRIVACY ACT IMPLEMENTATION

1. Implementation in Units. The following is a checklist of the fundamental provisions of the Privacy Act applicability to units:

	<u>YES</u>	<u>NO</u>
a. <u>Relevant Directives.</u> Does the unit have on hand the following directives:		
(1) MCO P5211.2A, The Privacy Act of 1974?	-	-
(2) MCBul 5211 describing systems of records for the Marine Corps?	-	-
b. <u>File Maintenance.</u> Select a file containing personal information located in the activity's file cabinets and check on the following:		
(1) Is the file stored and safeguarded in conformance with storage and safeguarding descriptions outlined in MCBul 5211?	-	-
(2) Is the file authorized for maintenance (MCO P5211.2A, paragraph 9000)?	-	-
(3) Is the unit knowledgeable of the procedures for establishing new system notices or changing existing ones (MCO P5211.2A, paragraph 9001)?	-	-
c. <u>Collection of Personal Information</u>		
(1) <u>Collection.</u> Does the unit have standard procedures for collecting personal information from individuals (MCO P5211.2A, chapter 6)?	-	-
(2) <u>Privacy Act Statement</u>		
(a) Does the unit have Privacy Act Statement forms on hand to be used to collect personal information (MCO P5211.2A, chapter 6)?	-	-
(b) When information was requested, was the individual informed by means of a Privacy Act Statement whether disclosure was mandatory or voluntary, of the authority and the purpose for which the information was to be used (MCO P5211.2A, paragraph 6001)?	-	-

ENCLOSURE (2)

	<u>YES</u>	<u>NO</u>
(c) Is the unit aware of the proper Privacy Act Statement (NAVMC 11000, REV 5/90) to have on file?	-	-
d. <u>Access</u> . Does the unit know what procedures are to be followed when an individual requests access to his/her record (MCO P5211.2A, chapter 4)?	-	-
e. <u>Verification</u>		
(1) Is the unit aware that the Base has a designated Privacy Act Coordinator as a point of contact (MCO P5211.2A, paragraph 3000.5)?	-	-
(2) Do designated record custodians have knowledge of identification verification procedures for individuals requesting access, i.e., request by mail, person, telephone, or previously identified record (MCO P5211.2A, paragraph 4000.2c)?	-	-
f. <u>Fees</u> . If fees are collected for copying, are they made payable to the Treasury of the United States and deposited to the Miscellaneous Receipts of the Treasury account maintained at the military disbursing office servicing the activity (MCO P5211.2A, paragraph 4004)?	_____	_____
g. <u>Disclosure</u> . Are the commanding officer and staff aware that there are regulations to be followed before making disclosures and where to find these instructions (MCO P5211.2A, paragraph 7000)?	-	-
h. <u>Disclosure Accounting</u>		
(1) <u>Requirement</u> . Are the commanding officer and staff aware that disclosure accounting is required and where to find the proper instructions (MCO P5211.2A, paragraph 7002)?	-	-
(2) <u>Specific</u> . Do these same persons know that a record cannot be disclosed without the written consent of the individual involved except in the areas listed in MCO P5211.2A, paragraph 7000.2?	-	-
(a) Has the unit any disclosures for which accountings are required (MCO P5211.2A, paragraph 7002.1)?	-	-

ENCLOSURE (2)



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YES NO

(b) If yes, were the disclosures properly accounted for, i.e., logging the requisite information and noting the record (MCO P5211.2A, paragraph 7002.3)?

\_\_\_\_\_

(3) Consress

(a) Has the unit made any disclosures to congressmen?

- -

(b) If yes, was an accounting of the disclosure properly annotated (MCO P5211.2A, paragraph 7002.3)?

- -

i. Amendment. Is the unit aware of proper procedures when individuals request amendment of their records (MCO P5211.2A, chapter 5)?

- -

j. Denial. Are the commanding officer and administrative staff aware that denial authority is vested in only certain levels of command and where to locate this authority (MCO P5211.2A, paragraph 3000.4)?

- -

k. Exemptions

(1) Authority. Do the commanding officer, executive officer, admin chief, and record clerk understand that portions of information in certain systems of records have been exempt from provision of the Privacy Act and that only the Secretary of the Navy is authorized to exempt certain information from systems of records (MCO P5211.2A, paragraph 10001)?

\_\_\_\_\_

(2) Location of Exempt Systems. Do these key persons know that information concerning the system's title, the provisions from which the system is exempted, i.e., subsections j or k of the Act, and the reasons for exemption of the system are published as an enclosure to the current MCBul 5211?

- -

1. Safesuardins Personal Information. Has the commanding officer established administrative and physical safeguards to protect systems of records from unauthorized access, disclosure, or destruction? Has an official been designated as having responsibility of records (MCO P5211.2A, chapter 8)?

- -

m. Training. Are all active duty and reserve Marines and civilian personnel aware of the Privacy Act,

ENCLOSURE (2)

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	<u>YES</u>	<u>NO</u>
but specifically, have supervisors ensured that individuals involved with handling personal information know: (MCO P5211.2A, chapter 14)		
(1) Items releasable on military?	_____	_____
(2) Items releasable on civilians?	_____	_____
(3) Security procedures?	_____	_____
(4) The penalties for any unauthorized disclosures?	_____	_____

ENCLOSURE (2)